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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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OREXO AB,

Plaintiff,

v.

MYLAN PHARMACEUTICALS INC. and  
MYLAN INC.,

Defendants.

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:  
: Honorable Freda L. Wolfson  
:  
:  
: Civil Action No. 3:11-cv-03788 (FLW)(LHG)  
:  
:  
:

: **ANSWER AND DEFENSES OF OREXO AB**  
: **TO MYLAN'S COUNTERCLAIMS**  
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:  
:

Plaintiff Orexo AB, by its undersigned counsel, hereby replies to the counterclaims of Defendants Mylan Pharmaceuticals Inc. and Mylan Inc. (collectively "Mylan" or "Defendants").

To the extent any of Defendants' Answers to Paragraphs 1-39 of Plaintiff's Complaint are determined in whole or in part to state counterclaims or the basis for counterclaims, Plaintiff incorporates by reference paragraphs 1-33 of its Complaint and denies

each and every additional allegation contained in Defendants' Answer, except to the extent admitted in Plaintiff's responses to Defendants' Counterclaim Paragraphs 40-64 below.

To the extent any of Defendants' Separate Defenses are determined to state counterclaims, each and every one of the allegations contained therein is denied, except to the extent admitted in Plaintiff's responses to Defendants' Counterclaim Paragraphs 40-64 below.

To the extent any of Defendants' Prayers for Relief (A)-(D) are determined to state counterclaims, each and every one of the allegations contained therein is denied, except to the extent admitted in Plaintiff's responses to Defendants' Counterclaim Paragraphs 40-64 below.

## **ANSWER TO DEFENDANTS' COUNTERCLAIMS**

### **COUNTERCLAIMS**

40. To the extent the allegations set forth in Paragraph 40 are determined to state counterclaims, each and every one of the allegations contained therein is denied.

### **THE PARTIES**

- 41. Admitted, upon information and belief.
- 42. Admitted, upon information and belief.
- 43. Admitted.
- 44. Admitted.
- 45. Admitted.
- 46. Admitted.

### **JURISDICTION AND VENUE**

- 47. Admitted.
- 48. Admitted
- 49. Admitted.

**THE CONTROVERSY**

50. Admitted, upon information and belief.

51. Admitted.

**COUNTERCLAIM COUNT I**

52. Plaintiff realleges and incorporates by reference its responses to the allegations of Defendants' Counterclaim Paragraphs 40-51 and its Complaint, in its entirety.

53. Denied.

54. Denied.

55. Admitted.

56. Denied.

**COUNTERCLAIM COUNT 2**

57. Plaintiff realleges and incorporates by reference its responses to the allegations of Defendants' Counterclaim Paragraphs 40-56 and its Complaint, in its entirety.

58. Denied.

59. Denied.

60. Denied.

61. Denied.

62. Denied.

63. Admitted.

64. Denied.

**PRAYER FOR RELIEF**

(A)-(D). Plaintiff denies that Defendants are entitled to any such relief and requests that all such relief be denied.

**AFFIRMATIVE DEFENSES**

65. Defendants have failed to state a claim upon which relief may be granted.

WHEREFORE, Plaintiff respectfully requests the following relief:

- (a) Deny Defendants all requested relief and dismiss all Counterclaims with prejudice;
- (b) Such other relief as this Court may deem proper.

Respectfully Submitted,

Dated: December 27, 2011

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OREXO AB

**CERTIFICATE OF SERVICE**

I hereby certify that on December 27, 2011, I caused a copy of the foregoing ANSWER AND DEFENSES OF OREXO AB TO MYLAN'S COUNTERCLAIMS to be served upon the following counsel of record by email and/or the CM/ECF system:

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